



Posted: 02/01/13 LTB

CANNON BUILDING

TELEPHONE: (302) 744-4500

861 SILVER LAKE BLVD., SUITE 203  
DOVER, DELAWARE 19904-2467

STATE OF DELAWARE  
DEPARTMENT OF STATE

FAX: (302) 739-2711  
WEBSITE:  
WWW.DPR.DELAWARE.GOV

DIVISION OF PROFESSIONAL REGULATION

PUBLIC MEETING MINUTES:	Board of Dietetics and Nutrition
MEETING DATE AND TIME:	Friday, February 8, 2013 at 1:30 p.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room B, first floor of the Cannon Building
MINUTES APPROVED:	May 3, 2013

**MEMBERS PRESENT**

Elizabeth Tschiffely, L.D.N., Chair  
Maryann Eastep, L.D.N., Secretary  
Patricia Hawkins, Public Member  
Christy Wright, Public Member

**MEMBERS ABSENT**

Carol Giesecke, L.D.N., Vice Chair

**DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT**

Bryan Smith, Deputy Attorney General  
Latonya Brown, Administrative Specialist

**OTHERS PRESENT**

Donna Trader, DDA  
Natalie McKenney, DDA  
Deanna Rolland, DDA  
Leah Palmer, Student  
Michell Fullmer, DDA  
Duncan Willie Jr, Student  
Marianne Carter, DCHP

**CALL TO ORDER**

Ms. Tschiffely called the meeting to order at 1:36 pm.

**REVIEW OF MINUTES**

The Board reviewed the minutes from the November 9, 2012, meeting. A motion was made by Ms. Eastep, seconded by Ms. Tschiffely, to approve the minutes, with the amendment of election of the officers motion that was made by Ms. Giesecke, not Ms. Eastep. The motion carried unanimously.

## **UNFINISHED BUSINESS**

None

## **NEW BUSINESS**

### **Ratification of Licensure**

A motion was made by Ms. Tsciffely, seconded by Ms. Eastep, to ratify the following CDR applicants who had been granted a license by the Division of Professional Regulation: Lindsey Hickman, Elisabeth Jones, and Crystal Bouchard. The motion carried unanimously.

A motion was made by Ms. Tsciffely, seconded by Ms. Eastep to table the ratification of Scott Schreiber pending further review of his work history and will be looked at during a special meeting on March 8, 2013. The motion carried unanimously.

## **COMPLAINT STATUS**

35-01-12 Open

35-03-12 Open

35-04-12 Open

35-05-12 Open

35-06-12 Open

35-07-12 Open

35-08-12 Open

35-09-12 Referred to AG for Prosecution

## **REVIEW OF APPLICATIONS**

None

## **CORRESPONDENCE**

None

## **OTHER BUSINESS BEFORE THE BOARD** (for discussion only)

### **Discussion of Governor Markell Executive Order 36 (DAG)**

Ms. Brown presented the Board with the Governor Markell signed Executive Order 36 which was elaborated by Mr. Smith. It is requested that all Boards try to streamline and eliminate outdated or unnecessary regulations. Mr. Smith advised that all the Board members read and review the regulations and see if anything is out of date and needs to be streamlined. Mr. Smith also advised that the public comment period ends on March 1, 2013, as of yet no public comments have been received.

### **Post Renewal Audit**

Ms. Ide brought to the Board's attention that when the licensees renewed in 2011, no continuing education audits were conducted. There is a 2013 renewal, we are not going to go back and do the 2011; it will simply be a skipped period. Ms. Tschiffely stated that there was an audit in 2011 because she was one of the licensees that were audited. She also stated that she can provide her CEUs if needed. Ms. Ide advised her that she can submit them. Ms. Ide also advised the Board that they have to consider what percentage to audit. Ms. Tschiffely made a motion to audit 25%. Ms. Eastep made a motion to audit 15%, seconded by Ms. Wright. The motion carried unanimously.

### Scott Schreiber Ratification

Ms. Eastep made a motion, seconded by Ms. Tschiffely, to amend the agenda in order to discuss the ratification of Scott Schreiber's application. The Board and the members of the public discussed concern over Mr. Schreiber's work experience. It was repeatedly stated that his application was tabled at the previous meeting for further review of his detailed nutritional work experience.

### Status of Licensures online

Ms. Eastep brought to the Boards attention that when she was looking in the website to check someone's licensures status, she noticed there was a lot of pending statuses. Ms. Eastep questioned how long they will remain in pending status before we remove them. Ms. Ide responded that the rule of thumb is typically one year in house but the application usually states that in 6 months it will be abandoned. She also stated it would have to be an internal file clean up, going through all the paper files and searching each one in order to remove them. Ms. Eastep stated that it was not many but she was concerned because the nursing home administrators that she works with was looking up someone's license and it was in pending status and had been in pending status for a while. She informed us that the administrators will hire someone in a pending status, when they probably shouldn't be hired. Ms. Ide informed Ms. Eastep that she will bring this to the Department's attention.

### **PUBLIC COMMENT**

Donna Trader, Delaware Dietetic Association, provided a copy of the meeting minutes from February 13, 2009, and read them verbatim. She read the License Issuance Authority section under New Business, which sums up the process of approving and issuing licenses through the proper channels. She also stated that a motion was made by Ms. Hawkins, seconded by Ms. Tschiffely to give DPR the authority to approve CDR applicants only. Ms. Trader then stated her concerns for Dr. Schreiber being licensed, and feels that it should not have been approved without going through the proper channels of the board as it is dictated in the Delaware Code. She also stated that she is concerned about the approval process of Dr. Schreiber's application and that it was tabled according to the meeting minutes. She, along with several others from the DDA, questioned his qualifications. Ms. Trader then went on to quote 3804 under section C in the License Law, where she referred to Dr. Carol Giesecke, who has missed several consecutive meetings according to the past meeting minutes. Including today, Dr. Giesecke had a total of four absences in the last year.

Ms. Tschiffely stated that in the latter part of 2009 (not quoting verbatim) there were three public hearing previously where the public and board got together to discuss the inclusion of CBNS as equivalent to CDR. Ms. Tschiffely stated that the February 2009 meeting pre-dated those public hearings and the time when CBNS was adopted by that board to allow that CBNS certification to be help in equivalence. Marianne Carter, of DCHP, stated that regardless of the exam that's taken you still need to submit proof of 900 hours of supervisory practice. That's the issue; the hours of supervision were not acceptable and were not reviewed by the board. Ms. Carter also stated that as a tax payer and licensee she feels that if DPR erroneously licensed Mr. Schreiber, there

needs to be a process and he should not be allowed to be practicing as a licensed practitioner. Ms. Carter wanted to know if there was a process of annulment. Mr. Smith, DAG, stated that there is a process and he is entitled to a hearing before the license is annulled. Ms. Tschiffely also stated that she and Ms. Eastep discussed earlier that because the rules and regulations make equivalent to CBNS, we never asked a CDR applicant to prove the 900 hours. Ms. Eastep and Ms. Tschiffely both stated that it is not required from the law. Ms. Tschiffely said that her understanding at the present is that we are “equivalating” CBNS and CDR. Ms. Eastep stated that Dr. Schreiber’s CBNS is ok to be accepted because he is applying under examination and that is not the issue. She wants to look more at the accredited college and make sure that he meets all the requirements of the 900 hours, and show verification of the passing exam. The board verification should be sent directly from CBNS and she stated that these are things that she is unclear about. Ms. Tschiffely feels strongly that the DPR’s decision to license Mr. Schreiber is justifiable. Catherine Simon offered the Board the option for DPR to contact Dr. Schreiber to have him submit additional documentation to prove he has at least 900 hours of nutrition-specific experience. Ms. Tschiffely made a motion to submit further documents seconded by Ms. Hawkins. Ms. Eastep abstained from the vote; otherwise the motion carried. Michelle Fullmer, DDA, stated that specific detail of hours have to be provided.

#### **NEXT SCHEDULED MEETING**

The next meeting will be held on Friday, May 10, 2013 at 1:30 p.m.

#### **ADJOURNMENT**

There being no further business, a motion was made by Ms. Tschiffely, seconded by Ms. Eastep to adjourn the meeting. The motion carried unanimously. The meeting adjourned at 3:05pm.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Latonya Brown". The signature is fluid and cursive, with the first name being more prominent.

Latonya Brown

BOARD OF DIETETICS/NUTRITION